IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2381 OF 2005

Bharati Atul Ghosh ...Petitioner

vs.

Sanjay Roy Choudhary and others ...Respondents

Mr.Ashok K. Singh for the Petitioner
Mr.Rajesh More, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 12,2006.

P.C.:

1. Heard learned Advocate appearing for the Petitioner. The first and second Respondents are personally present in this Court. The first and second Respondents are identified by the Advocate for the Petitioner.

2. The Petitioner is the first informant in C.R.No.1 of 1996 registered with Vakola police Station alleging commission of offence under sections 498-A and 406 of the Indian Penal Code. The Petitioner married to the first Respondent on 26th November 1993. It appears that by a Judgment and Order dated 14th October 2004 the marriage solemnised between the Petitioner and the first Respondent has been dissolved by a decree of divorce which is passed by consent of the parties. The consent terms filed in the Family Court are on record in which it is recorded that the Petitioner has agreed not to proceed with criminal case on the basis of F.I.R. registered by her.

3. By this Petition, the prayer is made for quashing the F.I.R. and the case pending before the learned Metropolitan Magistrate on the ground that there is a settlement between the Petitioner and the first Respondent.

4. The facts disclose that the F.I.R. was lodged by the Petitioner as a result of matrimonial dispute. There appears to be a complete settlement between the parties and the said fact is accepted by the first and second Respondents who are personally present in this Court. It is, thus, obvious that continuation of proceedings will cause sheer harassment to both the parties. Hence, a case is made out for exercising power under section 482 of the Code of Criminal Procedure, 1973.

5. Hence, Rule is made absolute in terms of prayer clause (C-1) which reads thus :

C-1) This Hon'ble Court be pleased to quash F.I.R. No.1 of 1996 lodged with Vakola Police Station, Mumbai and Case No.1599/P of 1996 pending in the Court of Metropolitan Magistrate's 32nd Court at Bandra, Mumbai.

JUDGE